

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
JAN 7 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, for and in)
behalf of the People of the State of Illinois,)

Petitioner,)

vs.)

NORFOLK SOUTHERN RAILWAY COMPANY,)

Respondent.)

No. T01-0066

(Parcels 5680031PE, 5680031TE-1 and 5680031TE-2)

AMENDED PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Amended Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 808 (U.S. Route 150), a highway under the control and jurisdiction of Petitioner, in Champaign County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibits "A", "B" and "C" attached hereto and incorporated by this reference, are required for Petitioner's improvement of U.S. Route 150 from University Avenue to Illinois Route 130, south in Urbana, Champaign County, Illinois

DOCKETED

(hereafter the "Project").

2. Respondent, Norfolk Southern Railway Company, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, namely the improvement of FAP Route 808 (U.S. 150) in Champaign County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel 5680031PE and temporary easements in Parcels 5680031TE-1 and 5680031TE-2, more particularly described in Exhibits "A", "B" and "C", respectively, attached hereto.

5. The compensation to be paid by the Petitioner to the Respondent for the described parcels or the interests therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order

authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, Norfolk Southern Railway Company, a permanent easement in Parcel 5680031PE, and temporary easements in Parcels 5680031TE-1 and 5680031TE-2, more particularly described in attached Exhibits "A", "B" and "C", respectively, all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

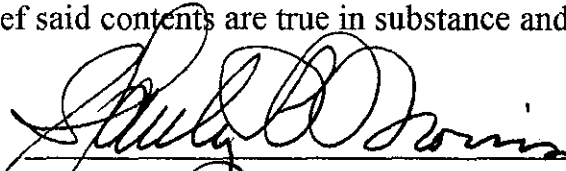
By: 

Stanley L. Morris
Special Assistant Attorney General

Stanley L. Morris
Special Assistant Attorney General
205 South Fifth Street, Suite 900
Springfield, IL 62701
Telephone: (217) 753-1133

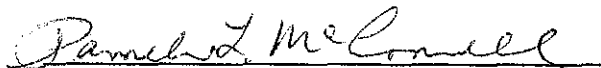
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Amended Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.



STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 20th day of December, 2001.



Notary Public

PROOF OF SERVICE

The undersigned certifies that on Dec 20, 2001, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Mr. Joseph H. O'Brien
Administrative Law Judge
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. Robert Berry
Railroad Section
Illinois Commerce Commission
527 Capitol Avenue
Springfield, IL 62701

Mr. Neil Flynn
Attorney at Law
1035 South Second Street
Springfield, IL 62704

Barrel McConley

That part of the Southwest Quarter of Section 10, being in Township 19 North, Range 9 East of the Third Principal Meridian situated in the City of Urbana, Champaign County, Illinois, with bearing referenced to the Illinois State Plane Coordinate System; East Zone, (NAD 83) described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence, North 88 degrees 56 minutes 46 seconds East 262.516 meters [861.27 feet] on the south line of said Southwest Quarter to the centerline of Smith Road; thence, North 0 degrees 43 minutes 03 seconds West 80.316 meters [263.50 feet] on said centerline to the south line of the Norfolk Southern Railway Company and the POINT OF BEGINNING; thence, South 82 degrees 18 minutes 16 seconds West 7.863 meters [25.80 feet] to the existing west right of way line of Smith Road; thence, North 87 degrees 24 minutes 25 seconds West 2.567 meters [8.42 feet]; thence, North 0 degrees 43 minutes 03 seconds West 12.095 meters [39.68 feet]; thence, North 41 degrees 28 minutes 22 seconds West 20.136 meters [66.06 feet] to the existing south right of way line of FAP 808 (U.S. 150); thence, South 87 degrees 02 minutes 09 seconds East 15.762 meters [51.71 feet] on said FAP 808 south right of way line to the west line of Smith Road; thence, North 0 degrees 40 minutes 15 seconds West 3.959 meters [12.99 feet] on said west line to the south right of way line of FAP 808 (U.S. 150); thence, southeasterly 65.639 meters [215.35 feet] along an 874.438 meter [2,868.89 foot] radius non-tangential curve to the left having a chord of South 85 degrees 11 minutes 25 seconds East 65.624 meters [215.30 feet] along said FAP 808 south right of way line to a point of tangency of said curve; thence, South 87 degrees 20 minutes 15 seconds East 139.861 meters [458.86 feet] on said south right of way line; thence, southeasterly 110.383 meters [362.15 feet] along a 3,069.243 meter [10,069.67 foot] radius tangential curve to the right having a chord of South 86 degrees 18 minutes 24 seconds East 110.377 meters [362.13 feet] along said south right of way line to Railroad Mile Post 28.5; thence, South 4 degrees 39 minutes 54 seconds West 5.563 meters [18.25 feet]; thence, South 87 degrees 38 minutes 01 second West 30.265 meters [99.29 feet]; thence, northwesterly 79.882 meters [262.08 feet] along a 3,064.761 meter [10,054.97 foot] radius non-tangential curve to the left having a chord of North 86 degrees 35 minutes 06 seconds West 79.880 meters [262.07 feet]; thence, North 87 degrees 19 minutes 54 seconds West 19.562 meters [64.18 feet]; thence, North 85 degrees 00 minutes 16 seconds West 37.531 meters [123.13 feet]; thence, North 83 degrees 50 minutes 36 seconds West 25.046 meters [82.17 feet]; thence, North 80 degrees 22 minutes 50 seconds West 12.593 meters [41.32 feet]; thence, North 87 degrees 19 minutes 54 seconds West 45.737 meters [150.06 feet]; thence, northwesterly 29.832 meters [97.87 feet] along an 878.932 meter [2,883.63 foot] radius tangential curve to the right having a chord of North 86 degrees 21 minutes 34 seconds West 29.831 meters [97.87 feet]; thence, South 78 degrees 28 minutes 54 seconds West 13.621 meters [44.69 feet]; thence, South 24 degrees 59 minutes 52 seconds West 8.749 meters [28.70 feet]; thence, South 0 degrees 43 minutes 03 seconds East 9.680 meters [31.76 feet]; thence, North 87 degrees 54 minutes 54 seconds West 2.625 meters [8.61 feet]; thence, South 82 degrees 18 minutes 16 seconds West 7.492 meters [24.58 feet] to the POINT OF BEGINNING, containing 2,833 square meters [30,494 square feet], more or less, of which 1,530 square meters [16,469 square feet], more or less, lies within an existing permanent easement.

Temporary Easement 1

That part of the Southwest Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian situated in the City of Urbana, Champaign County, Illinois, with bearing referenced to the Illinois State Plane Coordinating System, East Zone, (NAD 83) described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence, North 88 degrees 56 minutes 46 seconds East 262.516 meters [861.27 feet] on the south line of said Southwest Quarter to the centerline of Smith Road; thence, North 0 degrees 43 minutes 03 seconds West 80.316 meters [263.50 feet] on said centerline to the south line of the Norfolk Southern Railway Company; thence, South 82 degrees 18 minutes 16 seconds West 7.863 meters [25.80 feet] to the existing west right of way line of Smith Road; thence, North 87 degrees 24 minute 25 seconds West 2.567 meters [8.42 feet] on said south railroad right of way line to the POINT OF BEGINNING; thence, continuing North 87 degrees 24 minutes 25 seconds West 4.890 meters [16.04 feet] on said south line; thence, North 0 degrees 41 minutes 05 seconds West 17.466 meters [57.30 feet]; thence, South 41 degrees 28 minutes 22 seconds East 7.463 meters [24.48] feet; thence, South 0 degrees 43 minutes 03 seconds East 12.095 meters [39.68 feet] to the POINT OF BEGINNING containing 72 square meters [775 square feet], more or less.

Temporary Easement 2

That part of the Southwest Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian situated in the City of Urbana, Champaign County, Illinois, with bearing referenced to the Illinois State Plane Coordinating System, East Zone, (NAD 83) described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence, North 88 degrees 56 minutes 46 seconds East 262.516 meters [861.27 feet] on the south line of said Southwest Quarter to the centerline of Smith Road; thence, North 0 degrees 43 minutes 03 seconds West 80.316 meters [263.50 feet] on said centerline to the south line of the Norfolk Southern Railway Company; thence, North 82 degrees 18 minutes 16 seconds East 7.492 meters [24.58 feet]; thence, South 87 degrees 54 minutes 54 seconds East 2.625 meters [8.61 feet] to the POINT OF BEGINNING; thence, North 0 degrees 43 minutes 03 seconds West 9.680 meters [31.76 feet]; thence, North 24 degrees 59 minutes 52 seconds East 8.749 meters [28.70 feet]; thence, South 1 degree 15 minutes 46 seconds East 17.757 meters [58.26 feet] to the south line of said railroad; thence, North 87 degrees 54 minutes 54 seconds West 3.970 meters [13.02 feet] to the POINT OF BEGINNING containing 54 square meters [581 square feet], more or less.

Temporary Easements 1 and 2 containing 126 square meters [1,356 square feet], more or less.